

VZCZCXRO0186
OO RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #3066/01 2680624
ZNY CCCCC ZZH
O 240624Z SEP 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9566
INFO RUCNRAQ/IRAQ COLLECTIVE IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 003066

SIPDIS

E.O. 12958: DECL: 09/22/2018

TAGS: [PGOV](#) [PREL](#) [KDEM](#) [TU](#)

SUBJECT: SRSG DEMISTURA ON PROSPECTS FOR PROVINCIAL
ELECTIONS AND A RESOLUTION OF KIRKUK AND OTHER DISPUTED
AREAS

Classified By: Ambassador Ryan C. Crocker for Reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: SRSG DeMistura told the Ambassador that revalidating the 2005 election law could work as a Plan B if the CoR does not pass a new election law, but that IHEC would still need 135 days to prepare for an election. He said that IHEC could promulgate regulations under the 2005 law to allow for IDP voting and mandate women's representation, but that CoR action would be required for an open list election. The Ambassador stressed the need for an open list election, but acknowledged a lack of enthusiasm for this in the political leadership. DeMistura said UNAMI is working with CoR Speaker Mashadani on resolving the Article 24 issue, but was not optimistic these efforts would succeed. Expressing concern that UNAMI would be blamed for the inability to pass the election law if it is too publicly associated with ongoing efforts to resolve Article 24, DeMistura suggested that the U.S. and UNAMI scale back their engagement, wait out the political maneuvering, and revert to the 2005 law option. The Ambassador disagreed. Revalidation of the 2005 law may end up being the fallback position, but we should not give up yet.

¶2. (C) On Kurdish-Arab tensions in Khanaqin, the Ambassador told DeMistura that his message to both sides was that neither should push to the point of armed conflict, that Kurdish-Arab violence would be a catastrophe, and that the U.S. will not support either side. He said he had urged President Talabani and Prime Minister Maliki to use the Executive Council as a means to discuss the underlying issues, and that these talks need to address Peshmerga deployments south of the green line as well as Kurdish concerns about Maliki's increasingly centralized style of governance. As a means to enable a cooling off period, DeMistura proposed freezing ongoing UNAMI Disputed Internal Boundaries (DIBs) reports and to explore ways to the reinvigorate the Article 140 constitutional process to resolve Kirkuk and other disputed areas. The Ambassador urged that the DIBs process continue. He said reinvigorating the Article 140 process could have some effect, but that this alone would not address the fundamental problem. There needs to be a broader discussion that deals with the core issues so that the Kurds do not feel isolated. DeMistura also briefed the Ambassador on his recent trip to Tehran; this will be reported septel. END SUMMARY

Provincial Elections

¶3. (C) In his overview of the political state-of-play regarding the provincial elections, the Ambassador told recently returned UNSYG Special Representative Staffan DeMistura September 13 that the only change since the beginning of August has been CoR Speaker Mashadani's position on the draft election law. Acknowledging that this may be style more than substance, the Ambassador said Mashadani is talking the right talk by stressing the need for consensus and for all communities to refrain from imposing solutions.

He noted that Mashadani convened and is personally overseeing a new committee to resolve the Article 24 dispute, but predicted the committee would not succeed. (NOTE: Citing its lack of progress, Mashadani abruptly disbanded the new committee on September 13. He has tasked the Legal and Provincial Affairs committees to come up with a solution by September 17. END NOTE.) Unfortunately, there has been no fresh positioning by any of the parties. Grand Ayatollah Sistani's clear signal that elections must happen, with an open list system, is helpful. Current discussion is on the long UNAMI text. The Ambassador said his sense is that party leaders are not adequately engaged, noting that Vice President Abdul Mehdi during a meeting the evening of September 12 did not seem up to date on the election law debate. He also discerned a lack of commitment in the political leadership to an open list election.

¶4. (C) The Ambassador said Prime Minister Maliki had told him that elections needed to be held this year so that the current Provincial Councils would not lose their legitimacy. The PM predicted that passing a new election law would take time, but that if there is no new law by mid-October, the Presidential Council could decree an election and use the 2005 election law. The Ambassador expressed concern that there may not be adequate time to prepare for elections with an election law only at such a late date. He also wondered, given their inability to agree on the draft elections law, whether the political leadership would be able to agree on revalidating the 2005 law, which would allow for postponing Kirkuk provincial council elections by citing security concerns.

BAGHDAD 00003066 002 OF 003

¶5. (C) DeMistura said UNAMI is working with the new Article 24 Committee but was not convinced this was a serious effort by Mashadani. He opined that revalidating the 2005 law could work as a Plan B. The Independent High Electoral Commission (IHEC) would still need 135 days to prepare for an election. He added that while IHEC could promulgate regulations under the 2005 law to allow for IDP voting and mandate women's representation, CoR action would be required for an open list election -- and this could reopen the Article 24/Kirkuk issue. DeMistura was fearful that engaging too intensively in what he viewed as a futile process would set UNAMI up to be blamed for the inability to pass the election law. He wondered whether it might be best for the U.S. and UNAMI to scale back their engagement, wait out the political maneuvering, and revert to the 2005 law option. He worried that even if UNAMI were to develop a third "medium text" compromise, Mashadani would likely publicly accept it but ensure that someone else kills it.

¶6. (C) The Ambassador disagreed. He stressed the importance of not giving up on trying to get the draft law passed. Leaders need to agree on one of the several compromise proposals. We should not allow the draft law to die at the committee level. Revalidation of the 2005 law may end up being the fallback position, but we should not give up yet.

Turkish Contradictions

¶7. (C) DeMistura pointed to an apparent disconnect in Turkish policy. He said Turkey's Special Envoy to Iraq Murat Ozcelik had reassured UNAMI that Turkey supported a compromise solution on the election law, but Turkey at an OIC ministerial meeting on the margins of the UNGA September 12 tabled an unhelpful resolution expressing concern about the situation in Kirkuk and specifically mentioning the provincial elections law. (The resolution failed after Iraq objected.) The Ambassador noted that Ozcelik had told us that he supported the short UNAMI text. DeMistura expressed concern that Ankara might be encouraging Maliki to take a

hard line vis-a-vis Kirkuk and the Kurds. The Ambassador noted the need to convey to Ozecelik that we appreciate his support for the short text, but that this message is not getting across to the Turcoman bloc in the CoR.

Needed: A New Kurdish Approach to the Fundamental Issues

18. (C) The Ambassador related that bad weather had caused him to postpone his trip to Erbil, but said the delay might be helpful in that it would allow for the eventual discussion to focus on more than just the immediate crisis of Khanaqin. He told DeMistura that his message to both sides was that neither should push to the point of armed conflict, that Kurdish-Arab violence would be a catastrophe, and that the U.S. would not support either side. He said he had urged President Talabani and Prime Minister Maliki to use the Executive Council as a means to discuss the underlying issues, and that these talks need to address Kurdish encroachment south of the green line as well as Kurdish concerns about Maliki's increasingly centralized style of governance. The Ambassador said that the core of the current conflict is existential: what is the common vision of Iraq?

19. (C) Continuing, the Ambassador stressed the need for President Talabani to engage on this issue as soon as he returns to Iraq. He said his message to Barzani is that his attempt to create facts on the ground through Peshmerga deployments is an approach closer to politics as practiced during the Saddam and Qasim regimes, not with ongoing efforts to create a new, profoundly different Iraq. He said the Kurds are not using their institutional power to develop appropriate policies for the new Iraqi state with regard to the Kurdish region. Kurdish interests are best advanced in Baghdad, not in Khanaqin. There must be a fundamental discussion; the issue is bigger than the DIBS process, Kirkuk, and Peshmerga deployments south of the "green line."

110. (C) DeMistura expressed concern that the DIBS process and UNAMI's Kirkuk proposals are being overtaken by events. He worried that some believe the U.S. will be distracted over the next three months due to the presidential election and might seek to exploit a perceived lack of U.S. leverage to advance their political agendas. Specifically, he feared that Maliki, eager to assert central government authority, may assess that with newfound Sunni political support, now is the time to counter the Kurds. At the same time, the Kurds

BAGHDAD 00003066 003 OF 003

are being inflexible. DeMistura said the Kurds should have tried to diffuse the Khanaqin situation by asking the UN to study it rather than deploying Peshmerga units. The SRSG proposed a joint approach by the U.S., UNAMI, and the EU to impress upon Barzani the need for restraint and to warn him that neither the U.S. nor the UN will intervene in Khanaqin. DeMistura said Barzani needs to understand that Kurdish interests are best advanced by being integrated into Iraq. Kurdish unilateralism risks causing a repeat of tragic Kurdish history. DeMistura also proposed, as means to enable a cooling off period, to freeze ongoing UNAMI DIBs reports and to explore ways to the reinvigorate the Article 140 constitutional process to resolve Kirkuk and other disputed areas.

111. (C) The Ambassador agreed it was a tense time, but noted that all sides were still talking and still meeting, and that there hasn't been any violence. He questioned the wisdom of freezing the DIBs process. Even if the imminent danger in Khanaqin is gone, the situation there and in other disputed areas is not stable. The key is changing the larger dynamic. The Ambassador said reinvigorating the Article 140 process could have some effect, but that this alone would not address the fundamental problem: the Kurds do not have faith in the process, Article 140 or otherwise. There needs to be

a broader discussion that deals with the core issues, including the Prime Minister's centralization of power, so that the Kurds do not feel isolated. The Ambassador and DeMistura agreed to meet again when the Ambassador returns from Erbil.

Comment

¶12. (C) UNAMI has expressed increasing concern that rather than offer a possible framework for resolution of Kirkuk and other disputed areas, the DIBs reports could just fan the flames of Kurd-Arab mutual distrust and contribute to the possibility of violence. UNAMI would then be blamed for failing to resolve a critically important issue while also failing to assist the parties to a compromise provincial election law. There are already calls for DeMistura's removal and replacement by some Sunni, Shi'a and even Kurdish parties. UNAMI officials tell us that their NY HQ is growing nervous about the prospects of another UN failure in Iraq when they so badly need success to restore the UN's tarnished image here. For now, we think UNAMI should continue working on the DIBs reports, with a careful eye out on the situation in Kirkuk before deciding on when and if the report is shared with Iraqis and Kurds. We will also closely engage UNAMI in our efforts to push Iraqi parties towards an election compromise. DeMistura is a practical, intelligent, and dedicated diplomat who needs our - and NY's - support and confidence.

CROCKER